

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:
Jerry A. McKinney and) Bankruptcy No. 19-70386-JAD
Kathy J. McKinney,)
Debtors,) Chapter 13
Jerry A. McKinney and)
Kathy J. McKinney,) Related to Doc. No. 89
Movants,)
vs.) **DEFAULT O/E JAD**
Ronda Winnecour, Chapter 13 Trustee,)
Respondent.)

ORDER APPROVING POSTPETITION AUTOMOBILE FINANCING

This matter comes before the Court upon the *MOTION OF THE DEBTORS FOR POSTPETITION FINANCING* [Doc. No. 89] (“Motion”) filed by Debtors on May 8, 2020. A Certificate of No Objection (“CNO”) was filed on May 2 , 2020. Based upon the foregoing, and for good cause shown, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The *Motion* [Doc. No. 89] is **GRANTED** as provided by the terms of this *Order*. Debtors are authorized to obtain secured financing for the purchase of a replacement vehicle on the following terms:

- (a) the total amount of financing **shall not exceed \$19,650.00;**
- (b) the monthly payments made under the financing agreement **shall not exceed \$452.00;**
- (c) the interest rate **shall not exceed 18%;**
- (d) the term **shall not exceed 69 months;** and
- (e) the down payment shall not exceed **\$300.00.**

2. To the extent that Debtors secure financing for the purchase of a new vehicle, such payments **shall be made through the chapter 13 plan**. Within **30 DAYS** of securing such financing, Debtors shall file:

- (a) an amended chapter 13 plan; and
- (b) a report of financing;

4. To ensure the prompt and timely payment of the automobile loan, Debtors shall make a supplemental payment to the chapter 13 trustee **within 7 days** of filing the report of financing (and each month thereafter as necessary) in an amount sufficient for the trustee to cover the installments due on the loan. The supplemental payments shall be in addition to the regular plan payment, pending confirmation of the amended plan.

5. Upon the filing of the report of financing, the chapter 13 trustee is authorized to cease making payments to Ally Financial. Pending confirmation of any amended plan providing for the new post-petition loan payments, the trustee is authorized to make monthly adequate protection payments to Bridgecrest for the contract amount so long as sufficient supplemental funds are provided by Debtors.


6. Notwithstanding the inclusion of the post-petition loan within an amended chapter 13 plan, the underlying terms of the loan shall not be modified absent the consent of Bridgecrest.

7. Debtors shall serve this *Order* on all creditors eligible to distributions through the chapter 13 plan and file proof of the same with the Court.

8. In the event that the desired vehicle is no longer available after approval of this Order, the Debtors may finance any vehicle under the same financial terms of this Order.

By the Court,

Dated: May 26, 2020


Honorable Jeffery A. Deller^{mas}
United States Bankruptcy Court

CASE ADMINISTRATOR SHALL SERVE:

Jerry A. and Kathy J. McKinney
Mark B. Peduto, Esquire
Ronda J. Winnecour, Esquire
Office of United States Trustee

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Jerry A. McKinney
Kathy J. McKinney
Debtors

Case No. 19-70386-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: lfin
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: May 26, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 28, 2020.
db/jdb +Jerry A. McKinney, Kathy J. McKinney, 276 Ida Street, Houtzdale, PA 16651-8542

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 28, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 26, 2020 at the address(es) listed below:

David Z. Valencik on behalf of Debtor Jerry A. McKinney dvalencik@c-vlaw.com,
cylaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-
vlaw.com;mpeduto@c-vlaw.com;rfeil@c-vlaw.com
David Z. Valencik on behalf of Joint Debtor Kathy J. McKinney dvalencik@c-vlaw.com,
cylaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-
vlaw.com;mpeduto@c-vlaw.com;rfeil@c-vlaw.com
James Warmbrodt on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmlawgroup.com
Mark B. Peduto on behalf of Joint Debtor Kathy J. McKinney mpeduto@c-vlaw.com,
jadam@c-vlaw.com;ssimmons@c-vlaw.com;kmosur@c-law.com;apratt@c-vaw.com
Mark B. Peduto on behalf of Debtor Jerry A. McKinney mpeduto@c-vlaw.com,
jadam@c-vlaw.com;ssimmons@c-vlaw.com;kmosur@c-law.com;apratt@c-vaw.com
Matthew M. Herron on behalf of Creditor The Debt Doctors, LLC mmh@thedebedtctors.com,
hgs@thedebedtctors.com;alb@thedebedtctors.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8